

**WAUKEGAN PLANNING & ZONING COMMISSION
MINUTES
October 13, 2016**

1.0 Roll Call

PRESENT: Bartos, Dye, Garcia, Griffin, Grimes, Haug, Rodriguez
ABSENT: Anderson, Kolber

2.0 Approval of September 8, 2016 Minutes

Motion by Commissioner Grimes and seconded by Commissioner Griffin to approve the minutes of the September 8, 2016 Planning & Zoning Commission meeting.
AYES: All NAYES: None

3.0 Audience Time

No one from the audience spoke.

4.0 Old Business

4.1 Zoning Calendar #V-5-16

Petitioner: Waukegan Port District
Request: Vacation of Harbor Place south of Madison Street

Steve Sabourin reported that the petitioner has withdrawn their application.

Chairman Rodriguez asked for clarification if they wanted the application withdrawn or held over again.

Steve Sabourin stated that they are formally withdrawing their application.

Chairman Rodriguez asked Steve Sabourin to share with the rest of the Commission what he told him before the meeting. Steve Sabourin stated that the applicant was very adamant about keeping their current address after they realized that they would have to get a new address assigned if Harbor Place was vacated. Steve Sabourin stated that the address would most likely reflect a Pershing Road address where the entrance drive to the Port District parking lot is. So the Port District is looking at other options such as making that portion of Harbor Drive a private street.

5.0 New Business

Steve Sabourin recommended to the Chairman that the City of Waukegan items be moved to the end of the agenda and that Zoning Calendar #2515 be moved to the beginning of the agenda.

Voice vote: AYES: Bartos, Dye, Garcia, Griffin, Grimes, Haug, Rodriguez NAYS: None

5.4 Zoning Calendar #2515

Petitioner: American Home Development/Eddie Moses
Location: 800 and 810 S. Green Bay Road
Request: Map Amendment (Rezoning) from R3 Single-Family Residence to B3 General Commercial

Eddie Moses stated that he is seeking to rezone the property to B3 General Commercial and that the majority of properties along Green Bay Road are currently zoned commercial.

Motion by Commissioner Griffin and seconded by Commissioner Grimes to seat Commissioner Anderson at 7:05 PM.

Voice vote: AYES: All
NAYS: None

Eddie Moses stated that this is at the SW corner of eighth Street and Green Bay Road and that the property has been vacant forever and that no one is looking to build any homes on these lots which front Green Bay Road when commercial property surrounds them. Commissioner Bartos asked him if he is not building on it? Eddie Moses clarified that if the property were to remain R3, no one would build on it.

Commissioner Griffin asked Mr. Moses if there is a used car lot on the NW corner of 8th and Green Bay Road. Mr. Moses said, "Yes." Commissioner Griffin then followed up by asking how much frontage do you have on Green Bay Road? Mr. Moses stated that it is approximately 160' x 88'. Commissioner Griffin asked if this site was too small for any kind of commercial development? Mr. Moses replied that he is working on a similar-sized lot that supports approximately 3,000 square feet of tenant space. He further elaborated that the tenant space could be comparable to the Auto Zone store across the street.

Chairman Rodriguez asked if there was anyone present to speak in favor of this request, with no response.

Chairman Rodriguez then asked if there was anyone present to speak in opposition to this request. Marilyn Brown, owner of 2948 Green Bay Place was sworn in. Marilyn stated that she, a brother and a sister own lots behind this property. She stated that there is a lot of flooding that happens in the Spring, and that the property is wet year round. She stated that the property is home to many ducks and water fowl. She also states that she likes the peacefulness of the neighborhood. Ms. Brown was afraid that any development would impact her property.

Mr. Moses stated that someone could still build a home on this property as currently zoned, but that they would still have to meet City and County requirements.

Ms. Brown inquired if this matter could be held over until November when her sister is in town. Chairman Rodrigues told Ms. Brown that her sister could come to the Judiciary Committee meeting on November 7th.

Mr. Moses stated that the City of Waukegan told someone who was interested in the property that an auto repair facility cannot go there. So the City of Waukegan also can control what types of uses may be detrimental to the area.

Chairman Rodriguez then asked for staff recommendation. Steve Sabourin reiterated much of what Mr. Moses stated about the fact that this property is only one of a handful of properties left on Green Bay Road that are still zoned residential and that most other properties along Green Bay Road are zoned commercial. Steve Sabourin also stated that regardless of the development that occurs on this property, whether it is residential or commercial in nature, they would have to meet the requirements of the Engineering Department and the Lake County Stormwater Management Ordinance so that the development does not adversely impact the surrounding properties with flooding.

Motion by Commissioner Griffin and seconded by Commissioner Haug to recommend of the map amendment from R3 Single-Family Residence to B3 General Commercial. AYES: Anderson, Bartos, Dye, Garcia, Griffin, Grimes, Haug, Rodriguez NAYS: None

5.1 Zoning Calendar #2512

Petitioner: City of Waukegan

Request: Text Amendment to Articles 7, 8, 9, 10 and 11 of the Waukegan Zoning Ordinance regarding permitted and conditional telecommunication uses

Steve Sabourin reported that this was in tandem with the regulations that are currently in Section 4.15 of the Zoning Ordinance, Regulations for Telecommunications Facilities. While the regulations spell out the requirements and standards, we have not listed in which districts that “building or tower-mounted antennae” and “freestanding towers” are allowed, and whether they are permitted uses or conditional uses. Steve Sabourin stated that it has been the intent and has been governed that all free-standing towers would be conditional uses, and that building or tower-mounted antenna would be permitted uses.

Commissioner Dye wanted to know if this affects in any way the text amendment that was passed that required a 500-foot buffer from residences. Steve Sabourin stated “No.”

Commissioner Garcia asked if this would make any existing towers or antennae non-conforming. Steve Sabourin stated, “No. Because all previous applicants have been following this rule based on the regulations of Section 4.15, but we just didn’t list the uses in the residential, business, commercial, office, industrial and lakefront districts.”

Commissioner Anderson stated that this was a good idea.

Motion by Commissioner Anderson and seconded by Commissioner Bartos to recommend approval of the text amendment to Articles 7, 8, 9, 10 and 11 of the Waukegan Zoning Ordinance regarding permitted and conditional telecommunication uses. AYES: Anderson, Bartos, Dye, Garcia, Griffin, Grimes, Haug, Rodriguez NAYS: None

5.2 Zoning Calendar #2513

Petitioner: City of Waukegan

Request: Text Amendment to Articles 7, 8 and 13 of the Waukegan Zoning Ordinance regarding Day Care Centers and Day Care Homes

Steve Sabourin reported that this is to come into compliance with the regulations of the Illinois Department of Human Services when differentiating between day care centers and day care homes. Steve Sabourin has stated that there have been instances where homes

were being used as day care centers or were converted into day care centers and soon became too intense of a use for the residential neighborhood that they were in.

Steve Sabourin also stated that there were no definitions in the Zoning Ordinance for “day care center”. This text amendment establishes the definitions for “day care center” and “day care home” and the maximum number of children that can be care for in a day care home, which is no more than eight (8) unrelated children, whereas a day care center is more than eight (8) children. Steve Sabourin also stated that “day care center” is not listed as a conditional use in the business districts, even though there have been conditional use permit applications approved for such uses. So this text amendment is to clarify exactly which districts these uses can be located and whether they are permitted or conditional.

Commissioner Anderson asked how the City of Waukegan currently monitors this. Steve Sabourin stated that both the day care homes and day care centers are licensed by the State of Illinois and if there are concerns from nearby residents, the City can check if the home or center did get a license from the State of Illinois, along with Development Review Board approval for day care homes or City Council approval for day care centers.

Commissioner Garcia asked if this text amendment would make any day care centers nonconforming. Steve Sabourin stated that he is aware of one potential site at 18 N. Philippa Avenue. Commissioner Garcia then asked if this would allow them to continue. Steve Sabourin said that they could continue operations the business ceases or the building is destroyed beyond 50% of its replacement value.

Motion by Commissioner Garcia and seconded by Commissioner Griffin to recommend approval of the amendments to Articles 7, 8 and 13 of the Waukegan Zoning Ordinance regarding Day Care Centers and Day Care Homes. AYES: Anderson, Bartos, Dye, Garcia, Griffin, Grimes, Haug, Rodriguez NAYS: None

5.3 Zoning Calendar #2514

Petitioner: City of Waukegan

Request: Text Amendment to Section 8.5-6 and 8.6-6 of the Waukegan Zoning Ordinance establishing maximum setback requirements in the B4 and B5 Districts

Steve Sabourin stated that this text amendment addresses the vague language currently used in the Zoning Ordinance for setback requirements in the downtown districts. He stated that the Zoning Ordinance’s intent is to promote development that is built right up to the sidewalks so as to make the development and the overall downtown area pedestrian-friendly.

Steve Sabourin also said that as written, a developer could interpret the setback of “None required” as meaning that any amount of setback could be allowed, whether it’s 0 feet or 30 feet. While this text amendment would require a zero-foot setback, a developer still has the right to apply for a variance if the developer wants to incorporate an outdoor eating area in front of a restaurant, for example, along the sidewalk. The City would be amenable to this idea. Commissioner Haug made mention that this variance request could also allow what the City of Evanston has allowed with restaurants and retail space that open to outdoor gardens or parks. Commissioner Anderson likened this scenario with how Academy Square was developed to all lot lines.

Chairman Rodriguez made mention of a project he reviewed when he was on the Renaissance Commission and stated that the project also didn't take advantage of the zero-foot setback and what was proposed looked out of place in the context of the area it was proposed.

Steve Sabourin stated that the rear setback would be the only setback to remain as "None required". This would allow for such things as areas for dumpsters or loading docks.

Commissioner Dye then inquired about the Dunkin' Donuts that is going up at West and Washington Streets and mentioned how this could have been built right to the lot lines. Chairman Rodriguez reminded everyone that Dunkin Donuts stated that if they couldn't get the curb cut on Washington Street that the project would not move forward. Commissioner Haug stated that it was unfortunate that it happened right at the gateway to the City's downtown. Commissioner Anderson stated that the Dunkin Donuts may end up being the catalyst for other developments to come to downtown Waukegan.

Motion by Commissioner Anderson and seconded by Commissioner Garcia to recommend approval of the text amendment to Section 8.5-6 and 8.6-6 of the Waukegan Zoning Ordinance establishing maximum setback requirements in the B4 and B5 Districts. AYES: Anderson, Bartos, Dye, Garcia, Griffin, Grimes, Haug, Rodriguez NAYS: None

6.0 General Discussion

Chairman Rodriguez asked Steve Sabourin what is the idea behind all of these text amendments and questioned whether these are just "band-aids" on an overall larger issue. He asked if we are due for an overall larger Zoning Ordinance "overhaul". Steve Sabourin stated that the staff is proposing the most important amendments that are relatively simple first and wouldn't generate much controversy or impact many property owners. Steve Sabourin stated that he has drafted a text amendment that addresses the uses in the business and commercial districts; uses that are either outdated or are relatively non-existent, such as "video stores", "clothes pressing establishments", and "millinery shops". Steve Sabourin stated that an amendment of this size would take at least a night's worth of review and consideration by the Planning and Zoning Commission as many members may have different views. Steve Sabourin welcomed the Commission to take a look at the five business and commercial districts and provide feedback on types of uses that need to be eliminated or created. Steve stated that this would be an item addressed by the Commission either on a night where other applications haven't been submitted, or during a special Commission meeting not on the second Thursday of the month.

7.0 Conditional Use Permit Reviews

None

8.0 Adjournment

Motion by Commissioner Bartos and seconded by Commissioner Griffin to adjourn the Planning & Zoning Commission at 8:20 PM.

AYES: All NAYES: None